

### **Remarks**

Applicants' response to the Office Action mailed November 27, 2007 is below. Claims 1-40 are currently pending in the application. Claims 8, 20, and 21 have been objected to, and claims 1-40 have been rejected.

#### **I. Amendments**

Through this response, the specification has been amended to remove reference numerals that were inadvertently included, and the drawings have been amended to address issues with the labels. Claims 1, 3, 8, 16, 19, 21-23, 25, 29-30, 33-35, and 37-40 have been amended and claims 41-43 have been added. Applicants submit that no new matter has been added by any of these amendments.

Claims 10-11, 15, 27-28, 31-32 and 36 have been canceled without prejudice, waiver, or disclaimer. Applicants reserve the right to present these canceled claims or variants in continuing applications. Upon entry of the amendments, claims 1-9, 12-14, 15-26, 29-30, 33-35, and 37-43 will be pending in the application.

#### **II. Drawing Objections**

The Office Action outlines various objections to the drawings. Through this response, Applicants have amended the drawings and the specification to address the objections raised in the Office Action, rendering the objections moot. Therefore, Applicants ask the Examiner to withdraw the objections.

#### **III. Claim Objections**

Claim 8 is objected to for reciting a "gating", and claims 20 and 21 are objected to for being exactly the same claim. Through this response, Applicants have amended the claims, rendering the objections moot. Therefore, Applicants ask the Examiner to withdraw the objections.

#### **IV. Claim Rejections – 35 U.S.C. § 112**

Claims 1-40 have been rejected under 35 U.S.C. § 112, first paragraph, for lacking enablement, and claims 3, 16, 19, 22, 23, 25, 29, 31, 32, 35, 37, and 39 were rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. Through this response, Applicants have canceled claims 31-32 and have amended the remaining claims, rendering the rejections moot. Therefore, Applicants ask the Examiner to withdraw the rejections.

**V. Claim Rejections – 35 U.S.C. § 102**

Claims 1, 3-5, 12-19, 23, 24, 27, 28, and 31-34 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,398,999 to *Josephy et al.* (“*Josephy*”). Claims 15, 27-28, and 31-32 have been canceled through this response, rendering the rejection of those claims moot. The remaining claims are discussed below.

Through this response, Applicants have amended claim 1. *Josephy* does not disclose a pigment that “is a cutout from a hologram that presents a periodical diffractive structure stretching itself over the entire pigment, which is an overlay of differently determined spatial frequencies and spatial alignments,” as recited in Applicants’ claim 1 as amended. For this and other reasons, claim 1 and its associated dependent claims are patentable over *Josephy*.

Applicants have also amended claims 23 and 34 through this response. *Josephy* also does not disclose “(b) vapor-coating of the diffractive structure with reflective material by graphoepitaxy, (c) recoating of the defined diffractive structure on the medium with a transparent sealant substance by graphoepitaxy; (d) separation of the structure achieved in this way from the carrier medium and (e) pulverizing the structure produced in Steps (a) to (d) into pigment particles,” as recited in Applicants’ claims 23 and 34 as amended. For this and other reasons, claims 23, 34, and the associated dependent claims are patentable over *Josephy*. Therefore, Applicants ask the Examiner to withdraw the rejection.

**VI. Claim Rejections – 35 U.S.C. § 103**

Claims 20-22, 29, and 30 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Josephy*. Claims 2, 7, 26, and 35-40 were rejected as unpatentable over *Josephy* in view of U.S. Patent No. 6,068,691 to *Miekka et al.* (“*Miekka*”). Claims 6 and 8-11 were rejected as unpatentable over *Josephy* in view of U.S. Patent No. 5,912,767 to *Lee* (“*Lee*”). Claim 25 was rejected as unpatentable over *Josephy* in view of U.S. Patent No. 5,035,473 to *Kuwayama et al.* (“*Kuwayama*”). Applicants submit that each of these claims is patentable because each of these claims depends from an otherwise allowable independent claim. Further, each of these claims may be patentable over the cited references for additional reasons. Therefore, Applicants ask the Examiner to withdraw the rejection.

**Conclusion**

Upon entry of the amendments described above, claims 1-9, 12-14, 15-26, 29-30, 33-35, and 37-43 will be pending in the application. Applicants submit that the pending claims are novel and are not obvious over the references of record. Therefore, Applicants respectfully ask the Examiner to reconsider the objections and rejections and to allow each of the claims.

Applicants petition under 37 C.F.R. § 1.136(a) for any extensions of time that are necessary to allow consideration of this response. Further, Applicants authorize charging any fees to deposit account no. 19-5029. If the Examiner believes a telephone conversation would facilitate the examination of this application, Applicants invite the Examiner to call the Attorney below at any time.

Respectfully submitted,

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